

FORM SUMMARY

Name of Form:	Earnings Garnishment - Debtor's Answer
Form Number:	CV-424
Statutory Reference:	Wis. Stats. §§812.34(2)(c), 812.37, 812.39(2) and 812.44(4) & (5)
Benchbook Reference:	CV-38
Purpose of Form:	To allow a debtor who believes the garnishment is improper or that the debtor's earnings are exempt or limited as to garnishment to answer the creditor's garnishment.
Who Completes It:	Debtor
Distribution of Form:	This form is initially served on the debtor by the creditor at the same time the earnings garnishment form (CV-422) is served. The debtor completes the form and delivers or mails it to the <i>garnishee</i> (not the creditor or the court). It is the garnishee's duty to send a copy of the answer to the creditor. The answer can be sent to the garnishee or amended at any time during the effective period of the earnings garnishment.
Accompanying Forms:	<p>When served on the debtor by the creditor, this form will be accompanied by the following:</p> <ul style="list-style-type: none">• Earnings Garnishment (CV-422)• Exemption Notice - Earnings Garnishment (CV-423)• Garnishment Exemption Worksheet (CV-426)• Poverty Guidelines for Earnings (CV-427) <p>When the debtor delivers or mails the answer to the <i>garnishee</i> (not the creditor or the court), the debtor may include a copy of the worksheets. However, there is no requirement to do so.</p>
New Form/Modification:	Modification, last update 05/01.
Modifications:	Added language in new 2b regarding limitation of amount of household income subject to garnishment.
Comments:	<p>2003 Act 138 deleted the language regarding a complete exemption where a garnishment of 20% of the debtor's disposable income would result in the debtor's household income falling below the poverty line. In its place, the Act limits the amount of disposable income available for garnishment to that amount of household income in excess of the poverty line before the garnishment is in effect.</p> <p>The effective period of an earnings garnishment is for any pay period beginning within 13 weeks after the date of service, except that garnishment of earnings brought against the state or a political subdivision of the state remains valid and effective until the judgment is satisfied (§§812.35(6) and 812.42).</p>

About this form:

This form is the product of the Wisconsin Records Management Committee, a committee of the Director of State Court's Office and a mandate of the Wisconsin Judicial Conference.

If you have additional information that does not change the meaning of the form, attach it on a separate page. The form itself shall not be altered.